

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**CETEWAYO FRAILS,**

**:**

**Petitioner**

**:**

**3:10-CV-1971**

**v.**

**:**

**(JUDGE MANNION)**

**JON FISHER,**

**:**

**Respondent**

**ORDER**

For the reasons articulated in the court's memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1) Frails's motion for relief of judgment pursuant Fed.R.Civ.P. 60(b) seeking to re-open his habeas petition under 28 U.S.C. §2254, (Doc. [42](#)), is **DENIED IN ITS ENTIRETY**; and
- (2) Frails's request for an evidentiary hearing is **DENIED AS MOOT**.
- (3) The Clerk is directed to close this case.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: October 13, 2017**